



SMITHFIELD CITY PLANNING COMMISSION

City Council Chambers
96 South Main
Smithfield, Utah 84335

The Planning Commission of Smithfield City met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on Wednesday, September 21, 2016. The following members were present constituting a quorum:

Chairperson: Jamie Anderson
Commission Members: Casey McCammon
Jackie Hancock
Wade Campbell
Bart Caley

Excused: Doug Archibald
Kelly Luthi
Bryant McKay

City Engineer: Clay Bodily
Deputy Recorder: Charlene Izatt
City Councilmember: Curtis Wall

Notice was provided to the Herald Journal, delivered to each Commission member and posted at the City Office Building, Smithfield City webpage and the Utah Public Meeting notice website.

The meeting was called to order by Chairperson Anderson at 7:00 p.m.

Opening Ceremony: Councilmember Curtis Wall led the Pledge of Allegiance.

Attendance: Kirt Hoggan (Cache Highline Water Association), Jamilee Holmstead, Donavon Aller (Northpark Holdings LLC), Darin Evans (Cache Highline Water Association), Michelle Anderson, Jeff Nielsen (Foresight Surveying), Nanette King, Craig Winder (Ironwood Development), Todd Horman (Two Brothers, Inc.), Marty Spicer (Bridgerland Group LC), Calleen Bataiff (Bridgerland Group LC), Debbie Zilles

Workshop Session: Chairperson Anderson asked about the General Plan review and upcoming joint meeting with the City Council. Ms. Izatt advised that the meeting is scheduled for October 12, 2016 (the first hour of the meeting), the exact time to be determined. The goal is for the Plan to be approved by the end of the year. Chairperson Anderson asked members to review the Plan with a critical eye so that all aspects of the plan are carefully considered. Ms. Izatt advised that feedback is valuable and now is the time to work through any areas of concern.

Upcoming training topics were discussed including having Jeff Gilbert from Cache Metropolitan Planning Organization (CMPO) come discuss access requirements along the highway. Commissioner Hancock and Ms. Izatt briefly reviewed some training they had recently attended.

Commissioner Hancock will type up notes from the training and distribute to the other commissioners. Chairperson Anderson suggested having more education on Conditional Use Permits.

Resident Input: None

Consideration of Consent Agenda and approval of the Minutes of the August 17, 2016

Planning Commission Meeting: After consideration by the Planning Commission, Chairperson Anderson declared the consent agenda for the September 21, 2016 meeting approved and the minutes to stand as submitted.

Agenda items:

Public Hearing to consider a request by Northpark Holdings, LLC to rezone property owned by Warren Johnson (Parcel 08-056-0017; .56 acre) located at 229 North Main from R-1-10 (Single-Family Residential 10,000 SF) to RM (Multiple Family Residential).

7:17 pm Public Hearing opened.

Donavon Aller, from Northpark Holdings LLC, explained that the plan is to remove the existing garage and put in a duplex and two 4-plex units (with garages) in the back area (west side of property). This proposal will clean up the area, which is currently a trailer park.

Commissioner Caley asked if the road would continue through. Mr. Aller said that was correct.

Jamilee Holmstead lives at 263 North Main and asked if this would be low-income housing. Mr. Aller said he believed it would be affordable housing. Ms. Holmstead was concerned about what that would do to the value of the homes in that area. Mr. Aller said he did not know, however, this project will clean up and improve the area. Ms. Holmstead said her family moved to Smithfield because they liked the rural area. The idea of having this property developed for multi-family housing is devastating. She does not want to see as many homes as possible crammed into the area. There are many homes in the area currently for sale. Affordable housing is not always a blessing, as evidenced by some of the apartment complexes located on the west side of town. Her hope for Smithfield is not something built by wood or steel, but by human relationships and the love of the land. She agrees that the existing trailer park is not attractive but believes there can be a better use of that land. It is more important to create a community rather than taking away what makes Smithfield special. She has a degree in Sociology and says the more people there are, the less people interact, especially in this age of technology. She has tried hard to create a sense of community with neighborhood special events and block parties. She believes there is a need for more open space.

Ms. Izatt confirmed that this project is not considered an affordable housing project. There were safety concerns due to past fires in the trailers.

7:28 pm Public Hearing closed.

Commissioner Hancock questioned the space needed for emergency access. Mr. Aller said the proposal meets all the requirements within the Code.

Chairperson Anderson asked Mr. Aller if they had considered intrablock development, leaving the area zoned as R-1-10 and building homes. Mr. Aller said they had not; there has been a lot

of time and work put into the current plans and they believe it is a good idea and will be an improvement for this area. Chairperson Anderson asked if the units would be owned or rented. Mr. Aller said they would be rentals with an option to purchase. Commissioner Caley questioned the parking. Mr. Aller explained that there was a spot for two parking stalls in front of each unit. Mr. Caley asked about guest parking. Mr. Aller said the proposal complies with the Code requirements related to parking (2.25). Mr. Caley said he could not see where that would be on the site plan.

Chairperson Anderson reminded the Commission that the request is only for a rezone, project design discussions would be considered at a future point.

Commissioner Hancock asked how far the property line was from the home to the north. Mr. Aller clarified the area of parking that was for the home and not for this project.

Commissioner Caley asked if the home to the south would be included in the rezone, and if so, if there were any intentions for that house. Mr. Aller said the home is included in the parcel that is being considered for the rezone; however, there are no specific plans for the house.

Ms. Izatt clarified that Parcel 08-056-0017 is the only one being considered for rezone and confirmed for Commissioner Caley the two parcels to the north (08-056-0024;-0016) are currently zoned Multi-Family Residential.

MOTION: A motion was made by Commissioner Caley to approve the request by Northpark Holdings LLC to rezone property owned by Warren Johnson (Parcel 08-056-0017) .56 acre located at 229 North Main from R-1-10 (Single-Family Residential) to RM (Multiple Family Residential). Commissioner Campbell seconded the motion. The motion was approved (4-1)

Vote

Aye: McCammon, Hancock, Campbell, Caley

Nay: Anderson

Chairperson Anderson said he did not believe there should be multi-family residential in intrablock development.

Public Hearing to consider a request by Jeff Nielsen of Foresight Surveying, agent for Andrew Nielson, for approval of a Conditional Use Permit for a three (3) lot minor subdivision/intrablock development (A. Nielson Subdivision) located at 180 East Center. Zoned R-1-10.

7:35 pm Public Hearing opened.

Jeff Nielsen, from Foresight Surveying, explained that the proposal is to divide the property into three (3) lots. The existing home will remain.

Commissioner Campbell said it is possible the existing home has illegal substance residue inside. Mr. Nielsen said he did not know that. The developer's plan is to keep the home and improve it, however, if it has been compromised by chemicals that may not be able to be done. The garage and old barn will be removed.

Commissioner Caley said when he drove down to the property today, there was vehicle blocking the road. Mr. Nielsen explained that there is an easement to access the property to the west.

Residents have the right to use the easement, but not block it. The easement is 12-14' wide and will be improved.

Ms. Izatt advised that it was approved as an intrablock development years ago by brothers who owned the property which may be where the easement came in because it was originally four lots.

7:39 pm Public Hearing closed.

Commissioner Campbell said he grew up in this area and believes this would clean up and improve the area.

Chairperson Anderson asked about the size of lot 2, which shows just less than 10,000 SF. Mr. Nielsen said that there could be a 10% reduction on one lot allowed, however, lot 3 has room and the lot line could be adjusted if necessary.

Chairperson Anderson asked if the property line issue had been resolved. Mr. Bodily said it is in the process of being worked out and it will not be recorded until that has been completed. Mr. Nielsen pointed out the original property line goes through the house. Andrew Nielsen, who purchased the property, approached the property owners about the boundary line adjustment and both owners agreed. An old survey was done approximately 40 years ago which established the property line; however, it was not correct. Mr. Nielsen said he did some research to confirm the information and that is indeed where the original deed line shows (through the home).

Chairperson Anderson asked if approval would have to be contingent upon the Boundary Line Adjustment being completed. Mr. Bodily said that it cannot be recorded until it is complete. Ms. Izatt said it would be appropriate to include it in the approval. Mr. Nielsen explained that Cache Title has written up the boundary agreement and it is a matter of days before it will be formally recorded.

Mr. Bodily confirmed for Chairperson Anderson that he was comfortable that all the requirements had been met.

Commissioner McCammon asked if the fence line is where the new property line would be. Mr. Nielsen said it was very close, the new line will be just a little to the west; he does not anticipate that there will be any problems.

MOTION: A motion was made by Commissioner McCammon to approve the request by Jeff Nielsen of Foresight Surveying, agent for Andrew Nielsen, for a Conditional Use Permit for a three (3) lot minor subdivision/intrablock development (A. Nielson Subdivision) located at 180 East Center. Zoned R-1-10 contingent on the Boundary Line Adjustment. Commissioner Hancock seconded the motion. The motion was approved unanimously (5-0)

Vote

Aye: McCammon, Hancock, Campbell, Anderson, Caley

Craig Winder, agent for Ironwood Development, has requested approval for the final plat for Phase 1 (20 lots) for North Creek Meadows Subdivision located at approximately 300 South 900 East. Zoned R-1-12.

Craig Winder, from Ironwood Development, explained that this is the final plat for Phase 1 of the North Creek Subdivision, not many changes from the preliminary plat.

The Commission received an email prior to the meeting from Kirt Hoggan, President of the Cache Highline Water Association (CHWA) addressing some concerns. Chairperson Anderson asked Mr. Winder to speak to those points. Mr. Winder explained that they met with the Canal Company a month ago onsite to explain the plans and discuss a couple of points that would need to be bored under the canal and what the requirements would be. A 20' easement between the lot property lines and the bank of the canal was proposed with a deed restriction on the plat. The restriction indicates that the canal bank must have a maximum slope of 3:1 from the property line. Zan Murray, an engineer with CHWA, has also been advised of the conditions and has requested a cross-section from the developer, which will be provided. The Canal Company has requested that boring be at least 6' under the canal, which should not be a problem. In the highly unlikely event that the full 6' cannot be reached, Mr. Murray said he would consider alternate options.

Kirt Hoggan said the main concern is that beyond the 20' easement and 3:1 slope into a lot, many things can happen which could lead to seepage from the canal. There have been problems in the area before. The integrity of the bank, responsibility of maintenance and liability are the biggest issues. Mr. Winder agreed that these are valid concerns anywhere near a canal. This particular property is not unique from other areas that border a canal. Mr. Murray felt comfortable with the restrictions which have been put in place.

Mr. Winder pointed out the restriction listed on the deed (under detail A) indicates a 20' minimum easement that will be dedicated to the City or the Canal Company to ensure there is plenty of room for maintenance and then there is also a 3:1 rise over run. He said the developer would be willing to grade the area as part of the horizontal development.

Chairperson Anderson asked how the information would be disclosed to the property owners. Mr. Winder explained that the restriction will be noted on the plat and title report for the property.

Commissioner McCammon said there have been several canal breaches in the State since 2009. There are many things which can affect the compromise the integrity of a canal and he would prefer to see due diligence, in writing, to ensure that people understand completely. The State Legislature has tried to pass a canal safety bill (that did not pass). The burden keeps being place on canal companies; however, they are not the ones building the homes. If there is a wet year, water may come up into the basements of homes. There are homes on the west side of Logan that have had basements flooded because it is a wetland. He is concerned with future homeowners having to deal with problems because they were not addressed now. Mr. Winder agreed with the validity of the concern and explained that is why they have been fully engaged with the Canal Company in addressing concerns and issues.

Mr. Hoggan noted that they were part of the 2009 Logan City breach so they are well-versed with these types of concerns. This past spring, the upper part of the canal that was seeping into a basement was lined. These types of issues are why the caution flags are up. He said Ironwood Development has been great to work with and if Zan Murray approves the restrictions, the Company will go with his decision. He explained that there used to be a dam located at the site which is why there is so much material in the area. This project will be disturbing area from the west bank of the canal (with some areas approximately 50' before it begins to slope off). The 20' easement is standard.

MOTION: A motion was made by Commissioner Hancock to approve the final plat for Phase 1 (20 lots) for North Creek Meadows Subdivision located at approximately 300 South 900 East. Zoned R-1-12. Commissioner Caley seconded the motion. The motion was approved unanimously (5-0)

Vote

Aye: McCammon, Hancock, Campbell, Anderson, Caley

Todd Horman, agent for Dry Canon LLC, has requested approval for the final plat of Phase 2 (12 lots) for the George R. Weekes Subdivision, located at approximately 300 South 1100 East. Zoned R-1-12.

Mr. Horman reviewed that Phase 1 was purchased by the LDS church several years ago, this proposal will be Phase 2 starting with 12 lots. A temporary turnaround easement to the north was added.

Mr. Bodily said that even though Phase 1 is not part of this proposal they are responsible for the curb and gutter along Phase 1.

MOTION: A motion was made by Commissioner Campbell to approve the request from Todd Horman, agent for Dry Canon LLC, for the final plat of Phase 2 (12 lots) for the George R. Weekes Subdivision, located at approximately 300 South 1100 East. Zoned R-1-12. Commissioner McCammon seconded the motion. The motion was approved unanimously (5-0)

Vote

Aye: McCammon, Hancock, Campbell, Anderson, Caley

Calleen Bataiff, agent for Bridgerland Group LC, has requested approval of a Commercial Conditional Use Permit to allow a Farmers Market on property located at 25-45 West 100 North. Zoned CB.

Ms. Bataiff explained that they have been holding a Farmer's Market at this location since August 17, 2016 on Wednesday evenings from 5:00 to 8:30-9:00 (dusk) seasonally (May-Oct). As it continues to grow, it could expand to the south. There are many customers who are parking along the street (100 North). She explained for Chairperson Anderson that there are currently about 11 different vendors, however, it continues to increase and can accommodate up to 28 total.

Ms. Izatt explained that this has been allowed to operate because it meets the allowed uses in the matrix; however, a Farmer's Market is considered a conditional use. This is a good example of one that has a lot of standards in place (like parking). The Commission can indicate how many parking spaces are designated and if it keeps growing Mr. Spicer would have to designate additional parking. Hours are difficult to pinpoint because this is a seasonal.

Chairperson Anderson said his biggest concern would be the number of vendors and the congestion it could cause. Ms. Bataiff pointed out that Mr. Spicer does have additional space to the northeast that can be utilized if the event continues to grow.

Ms. Izatt advised that there are two accesses into the market and many issues have already been addressed.

Commissioner Caley asked if there needed to be clarification regarding the number of days per week. Chairperson Anderson felt that would not be necessary and would be difficult to regulate because it is a seasonal event.

MOTION: A motion was made by Commissioner Campbell to approve the request by Calleen Bataiff, agent for Bridgerland Group LC, for a Commercial Conditional Use Permit to allow a Farmers Market on property located at 25-45 West 100 North. Zoned CB. Commissioner Hancock seconded the motion. The motion was approved unanimously (5-0)

Vote

Aye: McCammon, Hancock, Campbell, Anderson, Caley

MOTION TO ADJOURN: Motion by Commissioner Campbell to adjourn the meeting at 8:11 p.m. The motion was seconded by Commissioner Caley. The motion was passed unanimously (5-0)

Vote

Aye: McCammon, Hancock, Campbell, Anderson, Caley

Minutes submitted by Debbie Zilles

Jamie Anderson, Chairperson

Attested: Charlene Izatt

**SMITHFIELD PLANNING COMMISSION
Smithfield City Council Chambers
96 South Main
Smithfield UT 84335**

NOTICE and AGENDA

Public Notice is hereby given that the Smithfield Planning Commission will hold a regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, September 21, 2016** in the **Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.**

7:00 p.m. Opening Ceremonies

Workshop Session: General Plan Updates-review schedule of joint meeting with the City Council.

Agenda items:

1. 7:08 p.m. Resident Input
2. 7:13 p.m. Consideration of Consent Agenda
Minutes of the August 17, 2016 Planning Commission Meeting
3. 7:15 p.m. **Public Hearing** to consider a request by Northpark Holdings, LLC to rezone property owned by Warren Johnson (Parcel #08-056-0017, .56 acre) located at 229 North Main from R-1-10 (Single Family Residential 10,000 sq ft) to RM (Multiple Family Residential)
4. 7:25 p.m. **Public Hearing** to consider a request by Jeff Nielsen of Foresight Surveying, agent for Andrew Nielson for approval of a Conditional Use Permit for a three (3) lot minor subdivision/intrablock development (A. Nielson Subdivision) located at 180 East Center Street. Zoned R-1-10
5. 7:35 p.m. Craig Winder, agent for Ironwood Development, has requested approval of Phase 1 of the Final Plat (20 Lots) for North Creek Meadows subdivision located approximately 300 South 900 East. Zoned R-1-12
6. 7:45 p.m. Todd Horman, agent for Dry Canyon LLC, has requested approval of Phase 2 of the Final Plat (12 Lots) for the George R Weeks subdivision, located at approximately 300 South 1100 East. Zoned R-1-12
7. 7:55 p.m. Calleen Bataiff, agent for Bridgerland Group LC, has requested approval of a Commercial Conditional Use Permit to allow a Farmers Market on property located at 25 to 45 West 100 North. Zoned CB
8. 8:00 p.m. **ADJOURNMENT**

Posted this 16th day of September 2016 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 16th day of September 2016.

Charlene Izatt, Deputy Recorder

ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Charlene Izatt, Smithfield City Offices, at 435-792-7989 at least three (3) working days prior to the meeting.